

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

No. 5:03-cr-108-1BO


JERRY HOWARD SURRETT,)
 Petitioner,)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

ORDER

This Court hereby gives notice to the Petitioner, Jerry Howard Surratt, of its intention to construe his “Emergency Motion to Vacate a Void Judgment” (DE # 41) as a Motion to Vacate pursuant to 28 U.S.C. § 2255. The Defendant has 30 days from the filing of this notice to confirm or deny his intent to file a Motion to Vacate pursuant to 28 U.S.C. § 2255. In the event that no such response is received within this time, this Court will presume that the Defendant is not seeking such relief and this matter will be dismissed. In the event that the Defendant notifies this Court of his intent to file a Motion to Vacate pursuant to 28 U.S.C. § 2255, the Clerk of Court is directed to provide the Defendant with the appropriate forms on which to file such a motion.

This Court also hereby warns the Defendant of the effects of filing a motion pursuant to § 2255, and advises him as to the requirements of § 2255. *See Castro v. United States*, 540 U.S. 375 (2003); *see also United States v. Emmanuel*, 288 F.3d 644, 649 (4th Cir. 2002).

SO ORDERED, this 15 day of September, 2010.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE